

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28**

RELIANCE FIRE PROTECTION, INC.

and

**Cases 28-CA-300312
 28-CA-302374
 28-CA-303149**

**ROAD SPRINKLER FITTERS LOCAL 669
AFFILIATED WITH UNITED ASSOCIATION OF
JOURNEYMEN AND APPRENTICES OF THE
PLUMBING AND PIPEFITTING INDUSTRY OF
THE UNITED STATES AND CANADA, AFL-CIO**

RELIANCE FIRE PROTECTION, INC.

Employer

and

Case 28-RC-301189

**ROAD SPRINKLER FITTERS LOCAL 669
AFFILIATED WITH UNITED ASSOCIATION OF
JOURNEYMEN AND APPRENTICES OF THE
PLUMBING AND PIPEFITTING INDUSTRY OF
THE UNITED STATES AND CANADA, AFL-CIO**

Petitioner

ORDER CONSOLIDATING CASES AND NOTICE OF HEARING

On March 29, 2023, an Order Consolidating Cases, Consolidated Complaint and Notice of Hearing issued in Cases 28-CA-300312, 28-CA-302374, and 28-CA-303149, scheduling a hearing to commence at **9:00 a.m. (local time) on February 13, 2024**, and on consecutive days thereafter until concluded, before an Administrative Law Judge of the National Labor Relations Board (the Board).

On March 29, 2023, an Order Directing Hearing and Notice of Hearing on Challenged Ballots and Objections issued in Case 28-RC-301189, setting the matter for a hearing commencing on a date and time to be determined.

As common issues exist in these cases, I have duly considered the matter and, in order to effectuate the purposes of the Act, and to avoid unnecessary costs or delay, deem it necessary to consolidate these matters. Accordingly,

IT IS ORDERED, pursuant to Section 102.33 and 102.72 of the Board's Rules and Regulations, Series 8, as amended, that Cases 28-CA-300312, 28-CA-302374, 28-CA-303149, and 28-RC-301189 be, and they are, consolidated for the purposes of hearing, ruling, and decision, by an Administrative Law Judge and that, thereafter, Case 28-RC-301189 be transferred to and continued before the Board in Washington, DC, and that the provisions of Section 102.46 and 102.69(e) of the Board's rules shall govern the filing of exceptions.

The hearing in Case 28-RC-301189 will be before an Administrative Law Judge of the Board, serving as the hearing officer of the Board, pursuant to the March 29, 2023, Order Directing Hearing and Notice of Hearing on Challenged Ballots and Objections. At the hearing, the parties will have right to appear in person, or otherwise, and give testimony.

Dated at Phoenix, Arizona, this 29th day of March 2023.

/s/ **Cornele A. Overstreet**

Cornele A. Overstreet, Regional Director
National Labor Relations Board, Region 28

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RELIANCE FIRE PROTECTION, INC.

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**ROAD SPRINKLER FITTERS LOCAL 669
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PLUMBING AND PIPE FITTING INDUSTRY OF
THE UNITED STATES AND CANADA, AFL-CIO**

Petitioner

**ORDER DIRECTING HEARING AND NOTICE OF HEARING
ON CHALLENGED BALLOTS AND OBJECTIONS**

Based on a petition filed on August 10, 2022 and pursuant to a Decision and Direction of Election, an election was conducted on December 6, 2022, to determine whether a unit of employees of Reliance Fire Protection, Inc. (the Employer) wish to be represented for purposes of collective bargaining by Road Sprinkler Fitters Local 669 affiliated with United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, AFL-CIO. That voting unit consists of:

INCLUDED: All full-time and regular part-time sprinkler fitters and fire alarm technicians employed by the Employer at its facility in Las Vegas, Nevada.

EXCLUDED: All other employees including designers, office clerical employees, professional employees, managers, guards, and supervisors as defined by the Act.

The tally of ballots prepared at the conclusion of the election shows that of the approximately 8 eligible voters, 0 votes were cast for and 2 votes were cast against the Petitioner, with 7 challenged ballots, a number that is sufficient to affect the results of the election.

THE CHALLENGED BALLOTS

The names of the challenged voters, the stated reason for each challenge, and the party or person who made the challenge are as follows:

Name of Challenged Voter	Reason for Challenge	Challenged By
Albert Sanders	2(11) Supervisor	Employer

Name of Challenged Voter	Reason for Challenge	Challenged By
Marco Perez, Jr.	Related to Management	Petitioner
(b) (6), (b) (7)(C)	Not on Voter List	NLRB
(b) (6), (b) (7)(C)	Not on Voter List	NLRB
(b) (6), (b) (7)(C)	Insufficient Hours Worked	Petitioner
(b) (6), (b) (7)(C)	Insufficient Hours Worked	Petitioner
Steven Perez	Related to Management	Petitioner

THE PETITIONER'S OBJECTIONS

On December 13, 2022, the Petitioner filed timely objections to conduct affecting the results of the election, with a copy being served on the Employer. The objections are as follows:

1. On November 30, 2022, Reliance provided Local 669 with a voter list that contained inaccurate contact information for multiple voters and therefore did not substantially comply with the Board's Excelsior list requirements. Specifically, the voter list was deficient because it contained (a) incorrect phone numbers for three (3) voters ((b) (6), (b) (7)(C)), (b) (6), (b) (7)(C), and (b) (6), (b) (7)(C)), and (b) an incorrect email address for (b) (6), (b) (7)(C).
2. Beginning on or about July 15, 2022, and continuing thereafter including through the critical period after the petition was filed in this case, Reliance violated the Act (through its agent, officer, and/or representatives Tony Hakimi and Marco Perez, Sr.) and interfered with employee free choice in the election by isolating employees because of their support for the Union.
3. Beginning on or about June 24, 2022, and continuing thereafter including through the critical period after the petition was filed in this case, Reliance violated the Act (through its agent, officer, and/or representative Tony Hakimi) by refusing to hire and/or refusing to consider for hire applicant (b) (6), (b) (7)(C) because of his support for the Union.

CONCLUSION AND ORDER

I have concluded that the challenged ballots raise substantial and material issues of fact that can best be resolved by hearing. I have also concluded that the evidence described in the offer of proof submitted by the Petitioner in support of its objections could be grounds for overturning the election if introduced at a hearing. Accordingly, in accordance with Section 102.69(c)(1)(ii) of the Board's Rules and Regulations, **IT IS ORDERED** that a hearing shall be held before a Hearing Officer designated by me, for the purpose of receiving evidence to resolve the issues raised with respect to the challenges and objections. At the hearing, the parties will have the right to appear in person to give testimony, and to examine and cross-examine witnesses.

Upon the conclusion of the hearing, the Hearing Officer shall submit to me and serve on the parties a report containing resolutions of the credibility of witnesses, findings of fact and recommendations as to the disposition of the challenges and objections.

NOTICE OF HEARING

Starting at a date, time, and manner to be later designated, the hearing on challenges and objections as described above will be conducted before a hearing officer of the National Labor Relations Board. The hearing will continue on consecutive days thereafter until completed unless I determine that extraordinary circumstances warrant otherwise.

Dated at Phoenix, Arizona this 29th day of March 2023.

/s/ *Cornele A. Overstreet*

Cornele A. Overstreet, Regional Director
National Labor Relations Board, Region 28